

REMARKS

The Applicants have carefully reviewed the Office Action mailed January 25, 2007 and offer the following remarks.

Claims 1, 3-13, 15-25, and 27-37 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,816,085 B1 to *Haynes et al.* (hereinafter “*Haynes*”). The Applicants respectfully traverse the rejection.

According to Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, “the reference must teach every element of the claim.” *Haynes* does not disclose each and every element recited in claims 1, 3-13, 15-25, and 27-37. Thus, *Haynes* cannot anticipate these claims.

More specifically, claim 1 recites a method for locating available parking comprising, among other features, determining a location of a mobile terminal, where the mobile terminal is “outside of any parking area or facility.” Claims 13, 25, and 37 include similar features. The Applicants respectfully submit that *Haynes* does not disclose determining the location of a mobile terminal when the mobile terminal is outside a parking area or facility. In maintaining the rejection, the Patent Office asserts that *Haynes* discloses this feature at col. 2, ll. 16-20.¹ The Applicants respectfully disagree. At most, the referenced portion of *Haynes* discloses building interaction devices 1100 which communicate with a system interaction device 1700.² According to *Haynes*, the system interaction device 1700 is used to input commands to a video interaction device and a video input device 1420, such as “translate 8 inches to the left,” “MPEG compression on,” etc.³ However, the cited portion of *Haynes* does not disclose determining the location of a mobile terminal outside of a parking area or facility.

In addition, claim 1 recites “expanding the location of the mobile terminal into an associated area of interest.” Claims 13, 25, and 37 include similar features. According to the pending claims, the identified parking areas or facilities are within an “area of interest” that is around the location of the mobile terminal. In this manner, when parking is being sought, an area of interest around the location of the mobile terminal is determined. Parking areas or facilities can then be identified within the vicinity of the mobile terminal or area of interest. The area of interest is selected to encompass a reasonable area in which to locate available parking.

¹ See Office Action mailed March 6, 2006, p. 2.

² See *Haynes*, col. 2, ll. 18-19.

³ *Id.* at col. 3, ll. 3-13.

(Specification, p. 13, ¶ 0037). For example, if the area of interest is one half of a mile within the location of the mobile terminal, only parking areas or facilities within that one half of a mile are identified. Available parking or parking spaces within the identified parking area and area of interest are then identified and delivered to the mobile terminal. Thus, only available parking within the areas of interest is identified to prevent undesired or unreasonable available parking from being identified.

The Applicants respectfully submit that *Haynes* does not disclose the feature of expanding a location of a mobile terminal into an associated area of interest. In maintaining the rejection, the Patent Office states that *Haynes* discloses this feature at col. 4, ll. 46-63.⁴ The Applicants respectfully disagree. While *Haynes* discloses that a vehicle 1520 can request a parking space 1345 at any time or whenever the vehicle 1520 is any distance away from the parking space 1345, *Haynes* does not disclose expanding a location of a mobile terminal into an associated area of interest, as discussed above.⁵ In fact, *Haynes* makes no reference to an area of interest as recited in the claims.

Claim 1 also recites identifying parking areas or facilities within an associated area of interest and available parking within the associated area of interest. Claims 13, 25, and 37 include similar features. The Applicants respectfully submit that *Haynes* does not disclose identifying parking areas, facilities, or available parking within an associated area of interest. As detailed above, *Haynes* does not disclose an area of interest as recited in the claims. Therefore, it follows that *Haynes* cannot disclose identifying parking areas, facilities, or available parking within an associated area of interest. For this reason and the reasons noted above, the Applicants submit that claims 1, 13, 25, and 37 are patentable over *Haynes* and request that the rejection be withdrawn. Likewise, claims 4-6, 10-12, 16-18, 22-24, 28-30, and 34-36, which ultimately depend from claims 1, 13, or 25, are patentable for at least the same reasons along with the novel features recited therein.

Claim 3 recites that the expanding step uses “the direction of travel when creating the associated area of interest.” Claims 15 and 27 include similar features. The Applicants submit that *Haynes* does not disclose using a direction of travel when creating an associated area of interest. As detailed above, *Haynes* does not disclose an area of interest as recited in the claims.

⁴ See Office Action mailed January 25, 2007, page 3.

⁵ See *Haynes*, col. 4, ll. 54-55.

Accordingly, it follows that *Haynes* cannot disclose using a direction of travel to create an associated area of interest. For this reason and the reasons noted above, claims 3, 15, and 27 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claim 7 recites “receiving confirmation for the reservation” and “delivering confirmation indicia based on the confirmation to the mobile terminal.” Claims 19 and 31 include similar features. The Applicants submit that *Haynes* does not disclose receiving confirmation for a reservation nor delivering a confirmation indicia based on the confirmation to the mobile terminal. In maintaining the rejection, the Patent Office states that elements 4070 and 4060 in *Haynes* disclose these features.⁶ The Applicants respectfully disagree. Element 4070 relates to receiving a reservation request for an optimal parking space 1345.⁷ Element 4060 relates to a system interactive device 1700 transmitting a location of the optimal parking space 1345 to a vehicle 1520.⁸ However, neither of these elements relates to sending or receiving a confirmation for a reservation nor delivering a confirmation indicia based on the confirmation. In fact, the Applicants have reviewed the remainder of *Haynes* and submit that nowhere is any indication made of a confirmation, much less receiving a confirmation or delivering a confirmation indicia based on the confirmation to a mobile terminal disclosed therein.

Moreover, claim 7 recites that “the confirmation indicia can be provided to a parking area or facility providing the available parking to confirm the reservation.” Claims 19, 31, and 32 include similar features. The Applicants submit that *Haynes* does not disclose providing confirmation indicia to a parking area or facility providing the available parking to confirm the reservation. As discussed above, *Haynes* does not disclose a confirmation indicia. As such, it follows that *Haynes* cannot disclose providing confirmation indicia to a parking area or facility providing the available parking to confirm the reservation. Therefore, for this reason and the reasons noted above, claims 7, 19, 31, and 32 are patentable over the cited references and the Applicants request that the rejection be withdrawn.

Claim 8 recites “delivering the confirmation indicia to the parking area or facility.” Claims 20 and 32 include similar features. The Applicants submit that *Haynes* does not disclose delivering confirmation indicia to a parking area or facility. As detailed above, *Haynes* does not disclose a confirmation indicia. As such, it follows that *Haynes* cannot disclose delivering a

⁶ See Office Action mailed January 25, 2007, page 5.

⁷ See *Haynes*, col. 13, ll. 57-58.

⁸ *Id.* at col. 13, ll. 46-48.

confirmation indicia to a parking area or facility. For this reason and the reasons noted above, claims 8, 20, and 32 are patentable over the cited reference and the Applicants request that the rejection be withdrawn.

Claim 9 recites “accessing a profile associated with the mobile terminal to access parking criteria defined by a user of the mobile terminal.” Claims 21 and 33 include similar features. The Applicants submit that *Haynes* does not disclose accessing a profile associated with a mobile terminal to access parking criteria defined by a user of the mobile terminal. The Patent Office supports the rejection by asserting that *Haynes* discloses these features at col. 12, ll. 57-59.⁹ The Applicants respectfully disagree. While *Haynes* does disclose a database which may contain demographic, income, spending, and/or lifestyle information about the owner of a vehicle, *Haynes* does not disclose that the database includes parking criteria defined by a user of a mobile terminal, much less accessing parking criteria defined by the user.¹⁰

Claim 9 also recites “selecting the available parking based on the parking criteria in the profile.” Claims 21 and 33 include similar features. The Applicants submit that *Haynes* does not disclose selecting available parking based on parking criteria in a profile. As detailed above, *Haynes* does not disclose parking criteria in a profile defined by a user of a mobile terminal. Therefore, *Haynes* cannot disclose selecting available parking based on parking criteria in a profile defined by a user. For this reason and the reasons noted above, claims 9, 21, and 33 are patentable over the cited reference and the Applicants request that the rejection be withdrawn.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicants’ representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

⁹ See Office Action mailed January 25, 2007, page 6.

¹⁰ See *Haynes*, col. 12, ll. 52-54.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By: 

Benjamin S. Withrow

Registration No. 40,876

100 Regency Forest Drive, Suite 160

Cary, NC 27518

Telephone: (919) 238-2300

Date: April 25, 2007

Attorney Docket: 7000-112